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HOLLANDER LAW FIRM, PLC
SUITE 305
10300 EATON PLACE
FAIRFAX, VA 22030

Applicant: Saitou
Appl. No.: 10/591,722
International Filing Date: March 10, 2005
Title: AMINE-BASED COMPOUND AND USE THEREOF
Attorney Docket No.: MO3G-P100
Pub. No.: 2007/0208007 A1
Pub. Date: September 6, 2007

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This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 2, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the date of the benefit claim data to the Japanese application is erroneously printed as March 12, 2004 rather than the correct date of December 3, 2004.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication." This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error in the benefit claim to the Japanese Application on the front page of the publication is an Office mistake, in that the correct date should be December 3, 2004 rather than the printed March 12, 2004, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were accurately published, thus one can read and understand the content of the application. The error

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No.: 10/591,722

also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date. Additionally the correct date is found in the oath.

On May 29, 2007, a Filing Receipt was mailed by the Office, which improperly listed the priority claim. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

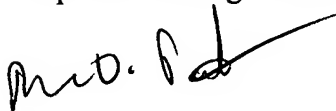
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy